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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health

DRINKING WATER FIELD OPERATIONS BRANCH

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EDMUND G. BROWN JR.
Governor

April 10, 2014

Water System No. 4901071

Sally Allred
Boulevard Heights Mutual Water
6600 Hunter Drive
Rohnert Park, CA 94928

CITATION NO. 02-18-14C-010
PUBLIC NOTIFICATION VIOLATION FOR CITATION NO. 02-18-13C-049

Enclosed is a Citation issued to the Boulevard Heights Mutual Water (System) public water system.

Your System will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this Citation since this is an enforcement action for noncompliance with State regulations. At this time, we have spent approximately two hours on enforcement activities associated with this violation. You will receive a bill sent from our Fee Billing Unit in Sacramento on approximately August 1, 2014. This bill will contain fees for any enforcement time spent on your System.

If you have any questions regarding this matter, please contact Waldon Wong of my staff at (707) 576-2764 or me at (707) 576-2006.

Sincerely,

Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Program

Enclosures

CC (w/ Enclosures): Gary Mickelson, P.O. Box 2689, Petaluma, CA 94953

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Boulevard Heights Mutual Water

Water System No: 4901071

To: Sally Allred
6600 Hunter Drive
Rohnert Park, CA 94928

Issued: April 10, 2014

CITATION FOR NONCOMPLIANCE

**With Public Notification Requirements of Citation No. 02-18-13C-049
and Title 22 of the California Code of Regulations Section 64463.4**

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a citation to the Boulevard Heights Mutual Water (System) for failure to



1 comply with Citation No. 02-18-13C-049 and Title 22, California Code of
2 Regulations (CCR) Section 64463.4.
3

4 **APPLICABLE AUTHORITIES**

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6
7 Section 116650 of the CHSC states in relevant part:
8

9 (a) If the department determines that a public water system is in violation of this
10 chapter or any regulation, permit, standard, citation, or order issued or adopted
11 thereunder, the department may issue a citation to the public water system.
12 The citation shall be served upon the public water system personally or by
13 certified mail. Service shall be deemed effective as of the date of personal
14 service or the date of receipt of the certified mail. If a person to whom a citation
15 is directed refuses to accept delivery of the certified mail, the date of service
16 shall be deemed to be the date of mailing.

17
18 (b) Each citation shall be in writing and shall describe the nature of the violation or
19 violations, including a reference to the statutory provision, standard, order,
20 citation, permit, or regulation alleged to have been violated.

21
22 (c) A citation may specify a date for elimination or correction of the condition
23 constituting the violation.

24
25 (d) A citation may include the assessment of a penalty as specified in subdivision
26 (e).
27



1 (e) The department may assess a penalty in an amount not to exceed one
2 thousand dollars (\$1,000) per day for each day that a violation occurred, and
3 for each day that a violation continues to occur. A separate penalty may be
4 assessed for each violation.
5

6 California Code of Regulations, Section 64463.4 states in relevant part:
7

8 (a) A water system shall give public notice pursuant to this section if any of the
9 following occurs:

10 (3) Other violations of the monitoring and testing procedure requirements
11 in this chapter, and chapters 15.5, 17 and 17.5 for which the
12 Department determines that a Tier 2 rather than a Tier 3 public notice
13 is required, based on potential health impacts and persistence of the
14 violations.
15

16 STATEMENT OF FACTS

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18 The System is a public water system that has approximately 51 residents
19 served by 18 connections. The Department issued Citation No. 02-18-13C-
20 049 on September 11, 2013. Pursuant to Directives 2 and 3 of Citation No.
21 02-18-03C-049 and Section 64463.4, Title 22 of the CCR, the System is
22 required to conduct public notification to the persons served by the System
23 by mail or direct delivery and newspaper posting of any monitoring and
24 testing procedure violations. The citation compliance certification form was
25 due to the Department by October 21, 2013. By letter dated February 11,
26 2014, the System was notified of the incomplete citation compliance with
27



1 public notification requirements and citation compliance certification form.
2 As of the date of this Citation, the Division of Drinking Water and
3 Environmental Management of the Department of Public Health has not
4 received the citation compliance certification or copy of public notification
5 used to comply with Citation No. 02-18-13C-049.
6

7 8 **DETERMINATIONS**

9 10 **THE DEPARTMENT HAS DETERMINED:**

11
12 The System violated Directives 2 and 3 of Citation No. 02-18-13C-049 and
13 Title 22 of the CCR, Section 64463.4, in that the System failed conduct
14 public notification and return the citation compliance certification form to the
15 Department.
16

17 18 **DIRECTIVES**

19
20 The Boulevard Heights Mutual Water Company is hereby directed to take
21 the following actions:
22

- 23
- 24 1. Comply with Section 64463.4, Title 22, of the CCR and Directive 2 of
25 Citation No. 02-18-13C-049. The System must conduct public
26 notifications associated with Citation No. 02-18-13C-049 by **May 12,**
27 **2014.**



- 1
2 2. Comply with Directive 3 of Citation No. 02-18-13C-049. The System
3 must complete and return the original citation compliance certification
4 form to the Department by **May 12, 2014**.
5

6
7 The Department reserves the right to make such modifications to this
8 Citation, as it may deem necessary to protect public health and safety.
9 Such modifications may be issued as amendments to this Citation and shall
10 be effective upon issuance.
11

12 Nothing in this Citation relieves the System of its obligation to meet the
13 requirements of the California Safe Drinking Water Act (CHSC, Division 104,
14 Part 12, Chapter 4, commencing with Section 116270), or any regulation,
15 standard, permit or order issued thereunder.
16

17
18 All submittals required by this Citation shall be submitted to the Department
19 at the following address: Janice M. Thomas, P.E.
20 Department of Public Health
21 Drinking Water Field Operations Branch
22 50 D Street, Suite 200
23 Santa Rosa, CA 95404
24

25 **PARTIES BOUND**

26 This Citation shall apply to and be binding upon the System, its officers,
27 directors, agents, employees, contractors, successors, and assignees.



SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the System has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

Janice M. Thomas
Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Program

April 10, 2014
Date

Attachments

Certified Mail No. 7010 1870 0000 5927 0076

4901071/Compliance
02-18-14C-010-4901071-75.docx/WWW

